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7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10
11 LINDA COOPER, Individually, And
On Behalf of The Estate of Decedent,
12 ELINA QUINN BRANCO,

13 Plaintiff,

14 v.

15 COUNTY OF SAN LUIS OBISPO, a
governmental entity, form unknown;
16 SIERRA MENTAL WELLNESS
GROUP, a California Non-Profit
Corporation; JASON HOOSON,
17 individually, SAVANNAH
WILLIAMS, individually; JOSH
SIMPSON, individually; BONNIE
18 SAYERS, individually; JULIA TIDIK,
individually; BETHANY AURIOLES,
19 individually; JANET BROWN,
individually, SHELL WATSON,
20 individually; DOES 1 through 10,
21 inclusive,

22 Defendants.
23

Case No. 2:24-cv-08187-DDP-AJR
The Hon. Dean D. Pregerson
Magistrate Judge A. Joel Richlin

**ANSWER OF JANET BROWN TO
PLAINTIFF'S COMPLAINT FOR
DAMAGES AND DEMAND FOR
JURY TRIAL**

Trial Date: None

24 COMES NOW Defendant JANET BROWN ("Defendant") and hereby submits
25 this Answer ("Answer") to Plaintiff LINDA COOPER's, Individually, and on Behalf
26 of the Estate of Decedent, ELINA QUINN BRANCO ("Plaintiff") Complaint for
27 Damages, ("Complaint"). The numbered paragraphs in this Answer correspond to the
28 numbered paragraphs of the Complaint. Any allegation that is not specifically
{08753582 / 1}

1 admitted is denied. Defendant answers as follows:

2 **ANSWER TO COMPLAINT**

3 1. Paragraph 1 contains conclusions of law with respect to the legal
4 capacity of Plaintiff to bring the claims on the decedent's behalf, to which no
5 response is required. To the extent a response is required, Defendant lacks sufficient
6 knowledge or information to form a belief about the allegations in this paragraph,
7 and on that basis denies them.

8 2. Defendant admits that, on information and belief, decedent Elina Quinn
9 Branco was a client at San Luis Obispo Crisis Stabilization Unit operated by Sierra
10 Mental Wellness Group. The remainder of this paragraph contains conclusions of
11 law with respect to the parties named as Defendants and the causes of action against
12 them to which no response is required. To the extent a response is required,
13 Defendant denies all allegations not specifically admitted herein.

14 3. Defendant denies the allegations in paragraph with respect to
15 Defendant.

16 4. Defendant admits that the action is purportedly brought under the U.S.
17 Constitution, 42 U.S.C. § 1983, and under state statutes. Defendant denies that the
18 death of decedent was caused by any action or omission of Defendant.

19 5. Defendant lacks sufficient knowledge or information to form a belief
20 about the allegations in this paragraph, and on that basis denies them.

21 6. Defendant lacks sufficient knowledge or information to form a belief
22 about the allegations in this paragraph, and on that basis denies them.

23 7. Defendant lacks sufficient knowledge or information to form a belief
24 about the allegations in this paragraph, and on that basis denies them.

25 8. Defendant admits the allegations in this paragraph.

26 9. Defendant admits that the decedent was a client at the Crisis
27 Stabilization Unit operated by Sierra Mental Health Wellness Group.

28 10. Defendant admits the allegations in this paragraph.

1 11. Defendant lacks sufficient knowledge or information to form a belief
2 about the allegations in this paragraph, and on that basis denies them.

3 12. Defendant admits the allegations in this paragraph.

4 13. Defendant admits the allegations in this paragraph on information and
5 belief.

6 14. Defendant admits the allegations in this paragraph on information and
7 belief.

8 15. Defendant lacks sufficient knowledge or information to form a belief
9 about the allegations in this paragraph, and on that basis denies them.

10 16. Defendant lacks sufficient knowledge or information to form a belief
11 about the allegations in this paragraph, and on that basis denies them.

12 17. Defendant lacks sufficient knowledge or information to form a belief
13 about the allegations in this paragraph, and on that basis denies them.

14 18. Defendant lacks sufficient knowledge or information to form a belief
15 about the allegations in this paragraph, and on that basis denies them.

16 19. Defendant admits Defendant was employed by Sierra Mental Wellness
17 Group as a licensed psychiatric technician at the time of the alleged incident. The
18 remainder of the paragraph contains conclusions of law to which no response is
19 required. Defendant denies all remaining allegations not specifically admitted
20 herein.

21 20. Defendant admits Ms. Sayers was employed by Sierra Mental Wellness
22 Group at the time of the alleged incident. The remainder of the paragraph contains
23 conclusions of law to which no response is required. Defendant denies all remaining
24 allegations not specifically admitted herein.

25 21. Defendant lacks sufficient knowledge or information to form a belief
26 about the allegations in this paragraph, and on that basis denies them.

27 22. Defendant lacks sufficient knowledge or information to form a belief
28 about the allegations in this paragraph, and on that basis denies them.

1 23. Defendant lacks sufficient knowledge or information to form a belief
2 about the allegations in this paragraph, and on that basis denies them.

3 24. Defendant denies the allegations in this paragraph.

4 25. Defendant lacks sufficient knowledge or information to form a belief
5 about the allegations in this paragraph, and on that basis denies them.

6 26. This paragraph contains conclusions of law with respect to fictitiously
7 named defendants, to which no response is required. To the extent a response is
8 required, Defendants lack sufficient knowledge or information to form a belief about
9 the truth of the background allegations in this paragraph, and therefore deny them.

10 27. This paragraph contains conclusions of law with respect to fictitiously
11 named defendants, to which no response is required. To the extent a response is
12 required, Defendants lack sufficient knowledge or information to form a belief about
13 the truth of the background allegations in this paragraph, and therefore deny them.

14 28. This paragraph contains conclusions of law to which no response is
15 required. To the extent a response is required, Defendants lack sufficient knowledge
16 or information to form a belief about the truth of the background allegations in this
17 paragraph, and therefore deny them.

18 29. Defendant lacks sufficient knowledge or information to form a belief
19 about the allegations in this paragraph, and on that basis denies them.

20 30. Defendant lacks sufficient knowledge or information to form a belief
21 about the allegations in this paragraph, and on that basis denies them.

22 31. Defendant lacks sufficient knowledge or information to form a belief
23 about the allegations in this paragraph, and on that basis denies them.

24 32. Defendant lacks sufficient knowledge or information to form a belief
25 about the allegations in this paragraph, and on that basis denies them.

26 33. Defendant lacks sufficient knowledge or information to form a belief
27 about the allegations in this paragraph, and on that basis denies them.

28 34. Defendant lacks sufficient knowledge or information to form a belief

1 about the allegations in this paragraph, and on that basis denies them.

2 35. Defendant lacks sufficient knowledge or information to form a belief
3 about the allegations in this paragraph, and on that basis denies them.

4 36. Defendant lacks sufficient knowledge or information to form a belief
5 about the allegations in this paragraph, and on that basis denies them.

6 37. Defendant lacks sufficient knowledge or information to form a belief
7 about the allegations in this paragraph, and on that basis denies them.

8 38. Defendant lacks sufficient knowledge or information to form a belief
9 about the allegations in this paragraph, and on that basis denies them.

10 39. Defendant lacks sufficient knowledge or information to form a belief
11 about the allegations in this paragraph, and on that basis denies them.

12 40. Defendant lacks sufficient knowledge or information to form a belief
13 about the allegations in this paragraph, and on that basis denies them.

14 41. Defendant lacks sufficient knowledge or information to form a belief
15 about the allegations in this paragraph, and on that basis denies them.

16 42. Defendant lacks sufficient knowledge or information to form a belief
17 about the allegations in this paragraph, and on that basis denies them.

18 43. Defendant lacks sufficient knowledge or information to form a belief
19 about the allegations in this paragraph, and on that basis denies them.

20 44. Defendant lacks sufficient knowledge or information to form a belief
21 about the allegations in this paragraph, and on that basis denies them.

22 45. Defendant lacks sufficient knowledge or information to form a belief
23 about the allegations in this paragraph, and on that basis denies them.

24 46. Defendant lacks sufficient knowledge or information to form a belief
25 about the allegations in this paragraph, and on that basis denies them.

26 47. Defendant lacks sufficient knowledge or information to form a belief
27 about the allegations in this paragraph, and on that basis denies them.

28 48. Defendant admits Hoosan “handed off” the decedent to staff at the

1 Crisis Stabilization Unit. All other allegations not specifically admitted herein are
2 denied.

3 49. Defendant lacks sufficient knowledge or information to form a belief
4 about the allegations in this paragraph, and on that basis denies them.

5 50. Defendant lacks sufficient knowledge or information to form a belief
6 about the allegations in this paragraph, and on that basis denies them.

7 51. Defendant admits a shift change occurred at approximately 7:30 p.m.
8 wherein Defendant started her shift.

9 52. Defendant admits, on information and belief, that such a note was made
10 in the decedent's chart.

11 53. Defendant admits, on information and belief, that such a note was made
12 in the decedent's chart.

13 54. Defendant admits, on information and belief, that such a note was made
14 in the decedent's chart.

15 55. Defendant denies the allegations in this paragraph as to Defendant. As
16 to the other Defendants, Defendant lacks sufficient knowledge or information to
17 form a belief about the allegations in this paragraph, and on that basis denies them.

18 56. Defendant lacks sufficient knowledge or information to form a belief
19 about the allegations in this paragraph, and on that basis denies them.

20 57. Defendant lacks sufficient knowledge or information to form a belief
21 about the allegations in this paragraph, and on that basis denies them.

22 58. Defendant lacks sufficient knowledge or information to form a belief
23 about the allegations in this paragraph, and on that basis denies them.

24 59. Defendant lacks sufficient knowledge or information to form a belief
25 about the allegations in this paragraph, and on that basis denies them.

26 60. Defendant lacks sufficient knowledge or information to form a belief
27 about the allegations in this paragraph, and on that basis denies them.

28 61. Defendant lacks sufficient knowledge or information to form a belief

1 about the allegations in this paragraph, and on that basis denies them.

2 62. Defendant denies the allegations in this paragraph.

3 63. Defendant denies the allegations in this paragraph.

4 64. Defendant lacks sufficient knowledge or information to form a belief

5 about the allegations in this paragraph, and on that basis denies them.

6 65. Defendant denies the allegations in this paragraph.

7 66. Defendant denies the allegations in this paragraph.

8 67. Defendant denies the allegations in this paragraph.

9 68. Defendant denies the allegations in this paragraph.

10 69. Defendant admits she spoke with someone who was purportedly the
11 decedent's mother the morning of May 16th, and that Defendant communicated that
12 everyone was still sleeping. Defendant denies all other allegations in this paragraph.

13 70. Defendant lacks sufficient knowledge or information to form a belief
14 about the allegations in this paragraph, and on that basis denies them.

15 71. Defendant admits the allegations in this paragraph.

16 72. Defendant lacks sufficient knowledge or information to form a belief
17 about the allegations in this paragraph, and on that basis denies them.

18 73. Defendant admits that the decedent, on information and belief, was
19 admitted to the Crisis Stabilization Unit as a 5150 hold. The remaining allegations in
20 this paragraph contains conclusions of law, to which no response is required.

21 74. Defendant lacks sufficient knowledge or information to form a belief
22 about the allegations in this paragraph, and on that basis denies them.

23 75. Defendant lacks sufficient knowledge or information to form a belief
24 about the allegations in this paragraph, and on that basis denies them.

25 76. Defendant lacks sufficient knowledge or information to form a belief
26 about the allegations in this paragraph, and on that basis denies them.

27 77. Defendant lacks sufficient knowledge or information to form a belief
28 about the allegations in this paragraph, and on that basis denies them.

1 78. Defendant lacks sufficient knowledge or information to form a belief
2 about the allegations in this paragraph, and on that basis denies them.

3 79. Defendant lacks sufficient knowledge or information to form a belief
4 about the allegations in this paragraph, and on that basis denies them.

5 80. Defendant lacks sufficient knowledge or information to form a belief
6 about the allegations in this paragraph, and on that basis denies them.

7 81. The allegations in this paragraph contains conclusions of law, to which
8 no response is required.

9 82. Defendant lacks sufficient knowledge or information to form a belief
10 about the allegations in this paragraph, and on that basis denies them.

11 83. Defendant denies the allegations incorporated into this paragraph to the
12 extent they are denied elsewhere herein. Defendant denies any allegation not
13 specifically admitted.

14 84. Defendant denies she made intentional decisions not to monitor the
15 decedent for signs of medical distress. Defendant denies she made intentional
16 decisions to falsify the decedent's monitoring logs. Defendant lacks sufficient
17 knowledge or information to form a belief about the remaining allegations in this
18 paragraph, and on that basis denies them.

19 85. Defendant denies the allegations in this paragraph.

20 86. Defendant denies the allegations in this paragraph.

21 87. Defendant denies the allegations in this paragraph.

22 88. Defendant denies the allegations in this paragraph.

23 89. Defendant denies the allegations in this paragraph.

24 90. Defendant denies the allegations in this paragraph.

25 91. The allegations in this paragraph contains conclusions of law, to which
26 no response is required. To the extent a response is required, Defendant denies she is
27 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
28 or any of the relief sought thereon.

1 92. Defendant denies the allegations incorporated into this paragraph to the
2 extent they are denied elsewhere herein. Defendant denies any allegation not
3 specifically admitted.

4 93. The allegations in this paragraph contains conclusions of law, to which
5 no response is required. To the extent a response is required, Defendant denies she is
6 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
7 or any of the relief sought thereon.

8 94. Defendant denies the allegations in this paragraph.

9 95. Defendant lacks sufficient knowledge or information to form a belief
10 about the allegations in this paragraph, and on that basis denies them.

11 96. Defendant denies the allegations in this paragraph as to Defendant.
12 Defendant lacks sufficient knowledge or information to form a belief about the
13 remaining allegations in this paragraph, and on that basis denies them.

14 97. The allegations in this paragraph contains conclusions of law, to which
15 no response is required. To the extent a response is required, Defendant denies she is
16 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
17 or any of the relief sought thereon.

18 98. Defendant denies the allegations incorporated into this paragraph to the
19 extent they are denied elsewhere herein. Defendant denies any allegation not
20 specifically admitted.

21 99. The allegations in this paragraph contains conclusions of law, to which
22 no response is required.

23 100. The allegations in this paragraph contains conclusions of law, to which
24 no response is required.

25 101. Defendant denies the allegations in this paragraph pertaining to
26 Defendant. Defendant lacks sufficient knowledge or information to form a belief
27 about the remaining allegations in this paragraph, and on that basis denies them.

28 102. Defendant lacks sufficient knowledge or information to form a belief

1 about the remaining allegations in this paragraph, and on that basis denies them.

2 103. Defendant denies the allegations in this paragraph pertaining to
3 Defendant. Defendant lacks sufficient knowledge or information to form a belief
4 about the remaining allegations in this paragraph, and on that basis denies them.

5 104. Defendant denies the allegations in this paragraph pertaining to
6 Defendant. Defendant lacks sufficient knowledge or information to form a belief
7 about the remaining allegations in this paragraph, and on that basis denies them.

8 105. Defendant denies the allegations in this paragraph pertaining to
9 Defendant. Defendant lacks sufficient knowledge or information to form a belief
10 about the remaining allegations in this paragraph, and on that basis denies them.

11 106. The allegations in this paragraph contains conclusions of law, to which
12 no response is required. To the extent a response is required, Defendant denies she is
13 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
14 or any of the relief sought thereon.

15 107. Defendant denies the allegations incorporated into this paragraph to the
16 extent they are denied elsewhere herein. Defendant denies any allegation not
17 specifically admitted.

18 108. The allegations in this paragraph contains conclusions of law, to which
19 no response is required.

20 109. Defendant lacks sufficient knowledge or information to form a belief
21 about the remaining allegations in this paragraph, and on that basis denies them.

22 110. Defendant lacks sufficient knowledge or information to form a belief
23 about the remaining allegations in this paragraph, and on that basis denies them.

24 111. Defendant lacks sufficient knowledge or information to form a belief
25 about the remaining allegations in this paragraph, and on that basis denies them.

26 112. Defendant lacks sufficient knowledge or information to form a belief
27 about the remaining allegations in this paragraph, and on that basis denies them.

28 113. The allegations in this paragraph contains conclusions of law, to which

1 no response is required.

2 114. The allegations in this paragraph contains conclusions of law, to which
3 no response is required. To the extent a response is required, Defendant denies she is
4 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
5 or any of the relief sought thereon.

6 115. Defendant denies the allegations incorporated into this paragraph to the
7 extent they are denied elsewhere herein. Defendant denies any allegation not
8 specifically admitted.

9 116. The allegations in this paragraph contains conclusions of law, to which
10 no response is required. To the extent a response is required, Defendant denies she is
11 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
12 or any of the relief sought thereon.

13 117. The allegations in this paragraph contains conclusions of law, to which
14 no response is required. To the extent a response is required, Defendant denies she is
15 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
16 or any of the relief sought thereon.

17 118. The allegations in this paragraph contains conclusions of law, to which
18 no response is required. To the extent a response is required, Defendant denies she is
19 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
20 or any of the relief sought thereon.

21 119. The allegations in this paragraph contains conclusions of law, to which
22 no response is required. To the extent a response is required, Defendant denies she is
23 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
24 or any of the relief sought thereon.

25 120. The allegations in this paragraph contains conclusions of law, to which
26 no response is required. To the extent a response is required, Defendant denies she is
27 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
28 or any of the relief sought thereon.

1 121. The allegations in this paragraph contains conclusions of law, to which
2 no response is required. To the extent a response is required, Defendant denies she is
3 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
4 or any of the relief sought thereon.

5 122. Defendant denies the allegations incorporated into this paragraph to the
6 extent they are denied elsewhere herein. Defendant denies any allegation not
7 specifically admitted.

8 123. The allegations in this paragraph contains conclusions of law, to which
9 no response is required. To the extent a response is required, Defendant denies she is
10 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
11 or any of the relief sought thereon.

12 124. The allegations in this paragraph contains conclusions of law, to which
13 no response is required. To the extent a response is required, Defendant denies she is
14 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
15 or any of the relief sought thereon.

16 125. The allegations in this paragraph contains conclusions of law, to which
17 no response is required. To the extent a response is required, Defendant denies she is
18 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
19 or any of the relief sought thereon.

20 126. The allegations in this paragraph contains conclusions of law, to which
21 no response is required. To the extent a response is required, Defendant denies she is
22 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
23 or any of the relief sought thereon.

24 127. The allegations in this paragraph contains conclusions of law, to which
25 no response is required. To the extent a response is required, Defendant denies she is
26 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
27 or any of the relief sought thereon.

28 128. The allegations in this paragraph contains conclusions of law, to which

1 no response is required. To the extent a response is required, Defendant denies she is
2 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
3 or any of the relief sought thereon.

4 129. The allegations in this paragraph contains conclusions of law, to which
5 no response is required. To the extent a response is required, Defendant denies she is
6 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
7 or any of the relief sought thereon.

8 130. The allegations in this paragraph contains conclusions of law, to which
9 no response is required. To the extent a response is required, Defendant denies she is
10 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
11 or any of the relief sought thereon.

12 131. Defendant denies the allegations incorporated into this paragraph to the
13 extent they are denied elsewhere herein. Defendant denies any allegation not
14 specifically admitted.

15 132. Defendant lacks sufficient knowledge or information to form a belief
16 about the remaining allegations in this paragraph, and on that basis denies them.

17 133. Defendant lacks sufficient knowledge or information to form a belief
18 about the remaining allegations in this paragraph, and on that basis denies them.

19 134. Defendant lacks sufficient knowledge or information to form a belief
20 about the remaining allegations in this paragraph, and on that basis denies them.

21 135. Defendant lacks sufficient knowledge or information to form a belief
22 about the remaining allegations in this paragraph, and on that basis denies them.

23 136. Defendant lacks sufficient knowledge or information to form a belief
24 about the remaining allegations in this paragraph, and on that basis denies them.

25 137. Defendant denies the allegations incorporated into this paragraph to the
26 extent they are denied elsewhere herein. Defendant denies any allegation not
27 specifically admitted.

28 138. The allegations in this paragraph contains conclusions of law, to which

1 no response is required.

2 139. The allegations in this paragraph contains conclusions of law, to which
3 no response is required.

4 140. The allegations in this paragraph contains conclusions of law, to which
5 no response is required. To the extent a response is required, Defendant denies she is
6 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
7 or any of the relief sought thereon.

8 141. The allegations in this paragraph contains conclusions of law, to which
9 no response is required. To the extent a response is required, Defendant denies she is
10 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
11 or any of the relief sought thereon.

12 142. The allegations in this paragraph contains conclusions of law, to which
13 no response is required. To the extent a response is required, Defendant denies she is
14 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
15 or any of the relief sought thereon.

16 143. The allegations in this paragraph contains conclusions of law, to which
17 no response is required. To the extent a response is required, Defendant denies she is
18 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
19 or any of the relief sought thereon.

20 144. The allegations in this paragraph contains conclusions of law, to which
21 no response is required. To the extent a response is required, Defendant denies she is
22 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
23 or any of the relief sought thereon.

24 145. Defendant denies the allegations incorporated into this paragraph to the
25 extent they are denied elsewhere herein. Defendant denies any allegation not
26 specifically admitted.

27 146. The allegations in this paragraph contains conclusions of law, to which
28 no response is required.

1 147. The allegations in this paragraph contains conclusions of law, to which
2 no response is required. To the extent a response is required, Defendant denies she is
3 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
4 or any of the relief sought thereon.

5 148. Defendant lacks sufficient knowledge or information to form a belief
6 about the remaining allegations in this paragraph, and on that basis denies them.

7 149. The allegations in this paragraph contains conclusions of law, to which
8 no response is required. To the extent a response is required, Defendant denies she is
9 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
10 or any of the relief sought thereon.

11 150. To the extent a response is required, Defendant denies she is liable to
12 Plaintiff for any of the claims or causes of action asserted in the Complaint, or any
13 of the relief sought thereon.

14 151. To the extent a response is required, Defendant denies she is liable to
15 Plaintiff for any of the claims or causes of action asserted in the Complaint, or any
16 of the relief sought thereon.

17 152. The remaining paragraphs of the Complaint contain Plaintiff's
18 requested relief, to which no response is required. To the extent a response may be
19 required, Defendants deny the allegations contained in the Complaint's remaining
20 paragraphs and further deny Plaintiff is entitled to any relief from Defendant. Any
21 allegation not specifically addressed is denied.

AFFIRMATIVE DEFENSES

23 Defendants assert the following affirmative defenses as separate and distinct
24 defenses to the Complaint, and each and every cause of action thereof. Defendant
25 does not concede that Defendant has the burden of production or proof as to any
26 affirmative defenses set forth below. Further, Defendant does not presently know all
27 of the facts concerning the conduct of Plaintiff sufficient to state all affirmative
28 defenses at this time. Defendant is informed and believe that a reasonable

1 opportunity for investigation and discovery will reveal facts in support of the
2 following affirmative defenses.

FIRST AFFIRMATIVE DEFENSE

4 AS A SEPARATE DEFENSE Defendant is informed and believes neither the
5 Complaint nor any cause of action in the Complaint states facts sufficient to constitute a
6 cause of action against this appearing Defendant.

SECOND AFFIRMATIVE DEFENSE

9 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
0 complaint and each cause of action contained therein are barred by the applicable statutes of
1 limitation, including, but not limited to, sections 335.1, 338, and 343 of the Code of Civil
2 Procedure.

THIRD AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes Plaintiff's alleged injuries and damages, if any, were aggravated by Plaintiff's failure to use reasonable diligence to mitigate them.

FOURTH AFFIRMATIVE DEFENSE

9 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
0 Plaintiff has waived the right to maintain the actions filed in this case.

FIFTH AFFIRMATIVE DEFENSE

22 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
23 Plaintiff and/or Decedent was guilty of comparative fault or negligence in the matters set
24 forth in the complaint which proximately caused or contributed to the injuries or damages
25 alleged in the complaint.

SIXTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the

1 codefendants, and each of them, named and unnamed in the Complaint, were guilty of
2 negligence, or other acts or omissions related to the matters set forth in the complaint which
3 proximately caused the injuries and damages alleged therein, if any, and the percentage of
4 negligence attributable to each said defendant should be determined and allocated
5 accordingly.

6 **SEVENTH AFFIRMATIVE DEFENSE**

7 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
8 Plaintiff had knowledge of the risks and hazards inherent in the events and activities which
9 took place at the times set forth in the complaint, as well as the magnitude of those risks and
10 hazards, and thereafter knowingly and willingly assumed and accepted those risks and
11 hazards.

12 **EIGHTH AFFIRMATIVE DEFENSE**

14 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
15 Plaintiff is estopped by action of law or by conduct from maintaining the actions filed in this
16 case.

17 **NINTH AFFIRMATIVE DEFENSE**

19 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
20 Plaintiff has “unclean hands” with regard to the relief sought in the complaint and are
21 therefore barred from obtaining such relief.

22 **TENTH AFFIRMATIVE DEFENSE**

23 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes
24 Plaintiff’s behavior at the time of injury constitutes willful misconduct, and Plaintiff is thus
25 barred from seeking recovery based upon the asserted negligence of Defendant.

26 **ELEVENTH AFFIRMATIVE DEFENSE**

27 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the

1 actions filed in this case are not maintainable under the doctrine of laches because of
2 Plaintiff's prejudicial delay in asserting them.

TWELFTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes Plaintiff's complaint fails to state the existence of a justiciable controversy between the parties.

THIRTEENTH AFFIRMATIVE DEFENSE

9 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes should
10 loss, damages or detriment have occurred as alleged in Plaintiffs' complaint, then said loss,
11 damage or detriment was actually and proximately caused or contributed to by the
12 negligence or wrongful and/or careless action or omission to act and/or other tortious
13 conduct of persons or entities other than this Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE, Defendant is informed and believes that any action or omission to act on defendant's part, or any action or omission to act on the part of any person or any entity for whose actions or omissions defendant is (or may be established to be) legally responsible, did not actually or proximately cause or contribute in any manner or to any degree, to any losses or damages for which recovery is sought by Plaintiff in the complaint.

FIFTEENTH AFFIRMATIVE DEFENSE

23 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
24 acts or omissions to act, and/or other alleged tortious conduct of persons or entities other
25 than this defendant, actually and proximately caused or contributed to Plaintiff's underlying
26 losses and damages, if any. Accordingly, said actions or omissions to act constituted
27 intervening and superseding causes of the losses or damages, if any, allegedly sustained by
28 the underlying Plaintiff.

SIXTEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes Plaintiff's claims are barred due to Plaintiff's and/or Decedent's assumption of the risk, either express or implied, of her alleged injuries and damages.

SEVENTEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that should it be found that defendant is in any manner legally responsible for damages sustained by Plaintiff in the underlying action, which defendant specifically denies, Defendant's liability for non-economic damages shall be severally only and not joint, such that this party shall be liable only for the amount of non-economic damages allocated to it in direct proportion to its percentage of fault.

EIGHTEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that Plaintiff is barred from recovery because defendant lacked actual or constructive notice of the allegedly dangerous conditions alleged by Plaintiff.

NINETEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that if this Defendant is found to have been negligent or at fault in any manner, which is expressly denied, any negligence or fault could only be vicarious, secondary and passive, while the negligence of Plaintiff, and/or Decedent, and/or other defendants, and other third parties, would be active and primary.

TWENTIETH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the subject underlying incident was caused by unforeseeable criminal actions of third parties other than Defendant.

TWENTY-FIRST AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes at all relevant times Defendant relied on a good faith interpretation of law.

TWENTY-SECOND AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that Plaintiff was not deprived of life, liberty, property, or any other Constitution or statutory right through any act or omission of Defendant.

TWENTY-THIRD AFFIRMATIVE DEFENSE

10 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believe that hat
11 the Complaint and each purported cause of action therein fails, since the Plaintiff does not
12 describe claims against Defendant with sufficient particularity to enable Defendant to
13 ascertain all of the defenses that may exist. Defendants, therefore, reserves the right to amend
14 Defendant's answer and to assert additional defenses and/or supplement, alter, or change
15 this answer upon completion of appropriate investigation and discovery concerning
16 Plaintiff's claims once the precise nature of the claims made against Defendant is
17 determined.

PRAYER

19 WHEREFORE, Defendant prays that Plaintiff takes nothing by way of the Complaint
20 and that Defendant have judgment in Defendant's favor, for all costs of suit, attorneys' fees,
21 on all special defenses, and for all other relief that the court may order or award in this case.

DEMAND FOR JURY TRIAL

Defendant hereby demands a jury trial on all claims and allegations asserted by Plaintiff in the Complaint.

1 DATED: December 6, 2024

Respectfully submitted,

2 MESSNER REEVES LLP

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4

5

/s/ Andrew Hollins

6 Andrew Hollins

7 Ethan Reimers

8 Attorneys for Defendants BONNIE
SAYERS and JANET BROWN

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CERTIFICATE OF SERVICE

2 I hereby certify that on December 6, 2024, I electronically filed the
3 foregoing **ANSWER OF JANET BROWN TO PLAINTIFF'S COMPLAINT FOR**
4 **DAMAGES AND DEMAND FOR JURY TRIAL** with the Clerk of the Court using the
5 CM/ECF system which will send notification of such filing to the following on the
6 attached service list:

I also certify the document and a copy of the Notice of Electronic Filing was served via on the following non-CM/ECF participants:

/s/Sabrina Johnson
Sabrina Johnson

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2 Case No. 2:24-cv-08187-DDP-AJR
3

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